

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 45
96TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means and Fiscal Oversight, April 7, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0145S.04C

AN ACT

To repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 1.310, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.310 and 143.173, to read as follows:

1.310. 1. This section shall be known and may be cited as the "Big Government Get Off My Back Act".

2. **Any federal mandate implemented by the state shall be subject to statutory authorization of the general assembly.**

3. No user fees imposed by the state of Missouri shall increase for the [four-year] **five-year** period beginning on August 28, 2009, unless such fee increase is to implement a federal program administered by the state or is a result of an act of the general assembly. For purposes of this section, "user fee" does not include employer taxes or contributions, assessments to offset the cost of examining insurance or financial institutions, any health-related taxes approved by **the** Center for Medicare and Medicaid Services, or any professional or occupational licensing fees set by a board of members of that profession or occupation and required by statute to be set at a level not to exceed the cost of administration.

[3.] 4. For the [four-year] **five-year** period beginning on August 28, 2009, any state agency proposing a rule as that term is defined in subdivision (6) of section 536.010, other than any rule promulgated as a result of a federal

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 mandate, or to implement a federal program administered by the state or an act
19 of the general assembly, shall either:

20 (1) Certify that the rule does not have an adverse impact on small
21 businesses consisting of fewer than [twenty-five] **fifty** full- or part-time
22 employees; or

23 (2) Certify that the rule is necessary to protect the life, health or safety
24 of the public; or

25 (3) Exempt any small business consisting of fewer than [twenty-five] **fifty**
26 full- or part-time employees from coverage.

27 **[4.] 5.** The provisions of this section shall not be construed to prevent or
28 otherwise restrict an agency from promulgating emergency rules pursuant to
29 section 536.025, or from rescinding any existing rule pursuant to section 536.021.

143.173. 1. As used in this section, the following terms mean:

2 (1) **"Deduction", an amount subtracted from the taxpayer's**
3 **Missouri adjusted gross income to determine Missouri taxable income**
4 **for the tax year in which such deduction is claimed;**

5 (2) **"Small business", any small business as described in section**
6 **1.310;**

7 (3) **"Taxpayer", any small business subject to the income tax**
8 **imposed in this chapter;**

9 (4) **"Full-time job", a position in which the employee is considered**
10 **full-time by the taxpayer and is required to work at least an average of**
11 **thirty-six hours per week for a sixteen week period. Any taxpayer**
12 **wishing to receive the deduction for an employee, but whose employee's**
13 **hours per week did not meet the thirty-six hours per week requirement**
14 **because of weather-related delays, may still receive the deduction, but**
15 **shall document the cause of the delay and the date upon which it**
16 **occurred, and the employee for whom the deduction is sought shall**
17 **have worked an equivalent of five hundred seventy-six hours within a**
18 **twenty-week period;**

19 (5) **"Average annual county wage", the average wage in each**
20 **county each year as determined by the Missouri Economic Research**
21 **and Information Center (MERIC) or its successor.**

22 **2. In addition to all deductions listed in this chapter, for all**
23 **taxable years beginning on or after January 1, 2011, and ending on or**
24 **before December 31, 2014, a taxpayer shall be allowed a deduction for**
25 **each new full-time job created by the small business in the taxable**

26 year. The deduction amount shall be as follows:

27 (1) Ten thousand dollars for each new full-time job created with
28 an annual salary of at least the average annual county wage; or

29 (2) Twenty thousand dollars for each new full-time job created
30 with an annual salary of at least the average annual county wage if the
31 small business also offers new employee health insurance and pays at
32 least fifty percent of the health insurance premiums of all full-time
33 employees who opt into the offered plan.

34 3. The department of revenue shall establish the procedure by
35 which the deduction provided in this section may be claimed, and may
36 promulgate rules to implement the provisions of this section. Any rule
37 or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become
39 effective only if it complies with and is subject to all of the provisions
40 of chapter 536 and, if applicable, section 536.028. This section and
41 chapter 536 are nonseverable and if any of the powers vested with the
42 general assembly under chapter 536 to review, to delay the effective
43 date, or to disapprove and annul a rule are subsequently held
44 unconstitutional, then the grant of rulemaking authority and any rule
45 proposed or adopted after August 28, 2011, shall be invalid and void.

46 4. Under section 23.253 of the Missouri sunset act:

47 (1) The provisions of the new program authorized under this
48 section shall automatically sunset on December thirty-first three years
49 after the effective date of this section unless reauthorized by an act of
50 the general assembly; and

51 (2) If such program is reauthorized, the program authorized
52 under this section shall automatically sunset on December thirty-first
53 three years after the effective date of the reauthorization of this
54 section; and

55 (3) This section shall terminate on September first of the
56 calendar year immediately following the calendar year in which the
57 program authorized under this section is sunset.

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